CR 152 (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision NO. 09 /2006

Single Bench

REVISIONER
Defendant

Amar Shai S/o Bhondu Ram Bargah aged about 45 years, Occupation Service R/o Badgaon, Post Patarapali, Tah. Baikunthpur, Distt. Koria (C.G.)

VERSUS

RESPONDENTS
plaintiffs

1 Sapuran Bargah S/o Late Bandhiya Bargah aged about 23 years, Occupation Agriculture,

2. Ganga Ram Bargah S/o Late Bandhiya Bargah aged about 20 years, Occupation Agriculture,

Both the R/o Jampani, Post Patarapali Tah. Baikunthpur, Distt. Koria (C.G.)

P.R. No. 1332/06
Presented by Shri Ramnam Shukla
dated 17/1/06

CIVIL REVISION U/S 115 OF C.P.C. 1908

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. No.9/06 सन् 200

(35)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25-1-2006 Mr. Ashok Kumar Shukla, counsel for the applicant. Heard on admission and M.(C.)P.No.66/2006. Plaintiff Raghu Bargah filed a civil suit for declaration of title and permanent injunction against applicant/defendant Amar Sai. During pendency of the suit, Raghu Bargah died. On his death, respondents Sapuran Bargah and Ganga Ram Bargah filed application for bringing legal representatives in place of the deceased plaintiff Raghu Bargah within time, their application was allowed and they were substituted in place of Raghu Bargah. Later on, the applicant/defendant Amar Sai filed an application on 24-8-2005 stating that, daughter Phoolkunwar, who is the legal representative of the deceased Raghu Bargah, has not been brought on record, therefore, the suit has been abated. Learned Court below held that, Sapuran Bargah and Ganga Ram Bargah have been brought on record in place of Raghu Bargah being his legal representatives on the basis of Will within time and Phoolkunwar did not appear and file any application for bringing her on record, therefore, vide impugned order, the application filed by the applicant/defendant Amar Sai has been dismissed. Apparently, when after the death of Raghu Bargah, his legal representatives have been brought on record within time, the suit is not liable to be abated. Therefore, I am of the view that, the impugned order does not suffer from any infirmity, which requires	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(36)

मामला क्रमांक C.R.No.9/06 सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक एवं आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	interference by this Court in its revisional jurisdiction. Therefore, the revision is liable to be dismissed and is accordingly dismissed *in limine*. In the light of above order, M.(C.)P.No.66/2006 stands dismissed. **Sd/-** **V.K. Shrivastava** **Judge**	

G.Singh

20.1.06